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*Counsel for Richard Arrowsmith, Liquidating  
Trustee of the HDL Liquidating Trust*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In re:**

**HEALTH DIAGNOSTIC LABORATORY,  
INC., et al.,**

**Debtors.<sup>1</sup>**

**Chapter 11**

**Case No.: 15-32919-KRH**

**Jointly Administered**

**AMENDED PROPOSED AGENDA FOR HEARINGS SCHEDULED FOR  
MARCH 26, 2024 AT 1:00 P.M. (PREVAILING EASTERN TIME)<sup>2</sup>**

**I. STATUS UPDATES**

1. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. LaTonya S. Mallory, et al., Adversary Proceeding Case No. 16-03271 (the “**D&O Action**”) and related matters.

2. In re Blue Eagle Farming, LLC, et al., Case No. 18-02395-TOM11 (Bankr. N.D. Ala.) (the “**Johnson Bankruptcy Proceeding**”) and related matters.

**II. UNCONTESTED MATTERS**

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<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Health Diagnostic Laboratory, Inc. (0119), Central Medical Laboratory, LLC (2728), and Integrated Health Leaders, LLC (2434).

<sup>2</sup> Attached hereto as **Exhibit A** is a redline reflecting the changes from the Proposed Agenda filed on March 22, 2024 [Docket No. 5834].

3. In re Richard Arrowsmith as Liquidating Trustee v. GeneNews(USA), Inc. now known as StageZero Life Sciences, Ltd., Case No. 23-03035—Motion to Substitute Counsel [Docket No. 9] and Notice of Motion and Hearing [Docket No. 9]

*Related Documents:*

None

*Response:*

None

*Status:*

No objections to the Motion were filed and an order granting the relief has been submitted to the Court for entry.

4. In re Richard Arrowsmith as Liquidating Trustee v. GeneNews(USA), Inc. now known as StageZero Life Sciences, Ltd., Case No. 23-03035—Motion for Issuance of Altered Form of Alias Summons and Stay of Deadlines Set Forth in the Initial Scheduling Order [Docket No. 4] and Notice of Motion for Issuance of Altered Form of Alias Summons and Stay of Deadlines Set forth in the Initial Scheduling Order [Docket No. 5]

*Related Documents:*

(a) Complaint [Docket No. 1]

(b) Summons and Notice [Docket No. 2]

(c) Withdrawal of Motion [Docket No. 12]

*Response:*

None

*Status:*

This matter was withdrawn.

### **III. ADJOURNED MATTERS IN RELATED ADVERSARY PROCEEDINGS**

5. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Cornerstone Revival Center - Adversary Proceeding Case No. 21-03111— Liquidating Trustee's Motion for Summary Judgment and Opening Memorandum in Support Thereof [Docket No. 16] and Notice thereof [Docket No. 19]

*Related Documents:*

(a) Motion for Authority to File Documents Under Seal to the Motion for Summary Judgment [Docket No. 17]

(b) Notice of Motion to Seal [Docket No. 20]

(c) Liquidating Trustee's Reply in Further Support of Motion for Summary Judgment [Docket No. 25]

(d) Amended Notice of Hearing on Motion for Summary Judgment [Docket No. 26]

*Response:*

(a) Defendant's Response in Opposition to Motion for Summary Judgment [Docket No. 21] and Affidavits in Support [Docket Nos. 22-24]

*Status:*

This matter has been resolved, but the Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

6. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Calvary Missionary Baptist Church - Adversary Proceeding Case No. 21-03138– Liquidating Trustee's Motion for Summary Judgment and Opening Memorandum in Support Thereof [Docket No. 19] and Notice thereof [Docket No. 23]

*Related Documents:*

(a) Motion for Authority to File Documents Under Seal to the Motion for Summary Judgment [Docket No. 20]

(b) Notice of Motion to Seal [Docket No. 22]

(c) Amended Notice of Hearing on Motion for Summary Judgment [Docket No. 27]

*Response:*

(d) Defendant's Response in Opposition to Motion for Summary Judgment [Docket No. 24] and Affidavits in Support [Docket Nos. 25-26]

*Status:*

This matter has been resolved, but the Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

7. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. St. Andrews United Methodist Church Foundation, Inc. d/b/a St. Andrews United Methodist Church - Adversary Proceeding Case No. 22-03025– Liquidating Trustee’s Motion for Summary Judgment and Opening Memorandum in Support Thereof [Docket No. 16] and Notice thereof [Docket No. 19]

*Related Documents:*

(a) Motion for Authority to File Documents Under Seal to the Motion for Summary Judgment [Docket No. 17]

(b) Notice of Motion to Seal [Docket No. 20]

(c) Amended Notice of Hearing on Motion for Summary Judgment [Docket No. 24]

*Response:*

(d) Defendant’s Response in Opposition to Motion for Summary Judgment [Docket No. 21] and Affidavits in Support [Docket Nos. 22-23]

*Status:*

This matter has been resolved, but the Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

8. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. National Humane Society - Adversary Proceeding Case No. 22-03083-KRH – Motion for Entry of Default and Default Judgment [Docket No. 5] and Notice Thereof [Docket No. 6]

*Related Documents:*

(a) Complaint [Docket No. 1]

(b) Certificate of Service [Docket No. 4]

*Response:*

None.

*Status:*

The Liquidating Trustee has resolved this matter and requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

9. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Floyd Calhoun Dent, III - Adversary Proceeding Case No. 22-03033– Motion for Summary Judgment and Memorandum in Support [Docket No. 9] and Notice thereof [Docket No. 10]

*Related Documents:*

(a) Motion for Authority to File Under Seal Exhibit G to the Motion for Summary Judgment [Docket No. 11]

(b) Notice of Motion to Seal [Docket No. 12]

(c) Reply Memorandum in Support of Motion for Summary Judgment filed by the Liquidating Trustee [Docket No. 15]

*Response:*

(a) Objection of Defendant Floyd Calhoun Dent, III to the Liquidating Trustee’s Motion for Summary Judgment [Docket No. 14]

*Status:*

The Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time).

#### **IV. GARNISHMENTS TO BE DISMISSED**

10. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Thomas H. Kanegae, M.D, A Medical Corporation, et al. - Adversary Proceeding Case No. 17-03338

10.1 Garnishment Summons re: Judgment against Thomas H. Kanegae, A Medical Corporation [Docket Item No. 16] (the “**Kanegae MD Garnishment**”)

*Related Documents:*

(a) Suggestion for Summons in Garnishment to U.S. Bank National Association [Docket No. 15]

(b) Order Granting Default Judgment [Docket No. 9]

(c) Writ of Execution [Docket No. 17]

(d) Certificate of Service [Docket No. 20]

*Response:*

To date, an Answer has not yet been received from U.S. Bank.

*Status:*

The Liquidating Trustee requests that this matter be dismissed as the Liquidating Trustee has received the final payment pursuant to the parties' settlement agreement.

10.2 Garnishment Summons re: Judgment against Thomas H. Kanegae [Docket Item No. 13] (the "**Kanegae Garnishment**")

*Related Documents:*

(a) Suggestion for Summons in Garnishment to U.S. Bank National Association [Docket No. 12]

(b) Order Granting Default Judgment [Docket No. 9]

(c) Writ of Execution [Docket No. 14]

(d) Certificate of Service [Docket No. 19]

*Response:*

U.S. Bank filed an Answer [Docket No. 25] stating no accounts found.

*Status:*

The Liquidating Trustee requests that this matter be dismissed as the Liquidating Trustee has received the final payment pursuant to the parties' settlement agreement.

## **V. ADJOURNED GARNISHMENTS**

11. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Uchenna Christopher Ogbuokiri - Adversary Proceeding Case No. 17-03762

11.1 Garnishment Summons re: Judgment against Uchenna Christopher Ogbuokiri [Docket Item No. 40] (the "**Ogbuokiri Garnishment**")

*Related Documents:*

(a) Suggestion for Summons in Garnishment to Together Credit Union [Docket No. 39]

(b) Order Granting Default Judgment [Docket No. 13]

(c) Writ of Execution [Docket No. 41]

(d) Certificate of Service [Docket No. 43]

*Response:*

To date, an Answer has not yet been received from Together Credit Union.

*Status:*

The Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time for the Bank to issue an Answer.

## **VI. ADJOURNED MATTERS IN LEAD CASE**

12. Tenth Omnibus Objection to Certain (A) 502(d), (B) No Liability Claims, and (C) Unsupported Claim [Docket No. 5097] (the “**Tenth Omnibus Objection**”)

*Related Documents:*

(a) Notice of Motion and Hearing [Docket No. 5098]

*Response Deadline:* April 27, 2021 at 4:00 p.m. (Prevailing Eastern Time).

*Status:*

The Tenth Omnibus Objection was granted in accordance with the Order Sustaining Tenth Omnibus Objection as to the No Liability Claims [Docket No. 5180]. An Order has been submitted to the Court on the Unsupported Claim [Docket No. 5197]. The Liquidating Trustee requests that the hearing as to the 502(d) Claims be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time).

*[Remainder of Page Left Intentionally Blank]*

Dated: March 26, 2024

Respectfully submitted,

/s/ Brittany B. Falabella

Robert S. Westermann (VSB No. 43294)

Brittany B. Falabella (VSB No. 80131)

Kollin G. Bender (VSB No. 98912)

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*Counsel for Richard Arrowsmith,*

*Liquidating Trustee of the HDL Liquidating Trust*



**EXHIBIT A**

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*Counsel for Richard Arrowsmith, Liquidating  
Trustee of the HDL Liquidating Trust*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In re:**

**HEALTH DIAGNOSTIC LABORATORY,  
INC., et al.,**

**Debtors.<sup>1</sup>**

**Chapter 11**

**Case No.: 15-32919-KRH**

**Jointly Administered**

**AMENDED PROPOSED AGENDA FOR HEARINGS SCHEDULED FOR  
MARCH 26, 2024 AT 1:00 P.M. (PREVAILING EASTERN TIME)<sup>2</sup>**

**I. STATUS UPDATES**

1. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. LaTonya S. Mallory, et al., Adversary Proceeding Case No. 16-03271 (the “**D&O Action**”) and related matters.

2. In re Blue Eagle Farming, LLC, et al., Case No. 18-02395-TOM11 (Bankr. N.D. Ala.) (the “**Johnson Bankruptcy Proceeding**”) and related matters.

**II. UNCONTESTED MATTERS ~~GOING FORWARD IN RELATED ADVERSARY PROCEEDINGS~~**

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<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Health Diagnostic Laboratory, Inc. (0119), Central Medical Laboratory, LLC (2728), and Integrated Health Leaders, LLC (2434).

<sup>2</sup> Attached hereto as **Exhibit A** is a redline reflecting the changes from the Proposed Agenda filed on March 22, 2024 [Docket No. 5834].

3. In re Richard Arrowsmith as Liquidating Trustee v. GeneNews(USA), Inc. now known as StageZero Life Sciences, Ltd., Case No. 23-03035—Motion to Substitute Counsel [Docket No. 9] and Notice of Motion and Hearing [Docket No. 9]

*Related Documents:*

None

*Response:*

None

*Status:*

No objections to the Motion were filed and an order granting the relief has been submitted to the Court for entry. ~~To the extent the Court has questions, proposed substitute counsel for the Liquidating Trustee will be present.~~  
submitted to the Court for entry.

4. In re Richard Arrowsmith as Liquidating Trustee v. GeneNews(USA), Inc. now known as StageZero Life Sciences, Ltd., Case No. 23-03035—Motion for Issuance of Altered Form of Alias Summons and Stay of Deadlines Set Forth in the Initial Scheduling Order [Docket No. 4] and Notice of Motion for Issuance of Altered Form of Alias Summons and Stay of Deadlines Set forth in the Initial Scheduling Order [Docket No. 5]

*Related Documents:*

(a) Complaint [Docket No. 1]

(b) Summons and Notice [Docket No. 2]

(c) Withdrawal of Motion [Docket No. 12]

*Response:*

None

*Status:*

~~No objections to the Motion were filed and an order granting the relief was submitted to the Court for entry. To the extent the Court has questions, proposed substitute counsel for the Liquidating Trustee will be present.~~  
This matter was withdrawn.

### III. ADJOURNED MATTERS IN RELATED ADVERSARY PROCEEDINGS

5. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Cornerstone Revival Center - Adversary Proceeding Case No. 21-03111– Liquidating Trustee’s Motion for Summary Judgment and Opening Memorandum in Support Thereof [Docket No. 16] and Notice thereof [Docket No. 19]

*Related Documents:*

(a) Motion for Authority to File Documents Under Seal to the Motion for Summary Judgment [Docket No. 17]

(b) Notice of Motion to Seal [Docket No. 20]

(c) Liquidating Trustee's Reply in Further Support of Motion for Summary Judgment [Docket No. 25]

(d) Amended Notice of Hearing on Motion for Summary Judgment [Docket No. 26]

*Response:*

(a) Defendant's Response in Opposition to Motion for Summary Judgment [Docket No. 21] and Affidavits in Support [Docket Nos. 22-24]

*Status:*

This matter has been resolved, but the Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

6. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Calvary Missionary Baptist Church - Adversary Proceeding Case No. 21-03138– Liquidating Trustee's Motion for Summary Judgment and Opening Memorandum in Support Thereof [Docket No. 19] and Notice thereof [Docket No. 23]

*Related Documents:*

(a) Motion for Authority to File Documents Under Seal to the Motion for Summary Judgment [Docket No. 20]

(b) Notice of Motion to Seal [Docket No. 22]

(c) Amended Notice of Hearing on Motion for Summary Judgment [Docket No. 27]

*Response:*

(d) Defendant's Response in Opposition to Motion for Summary Judgment [Docket No. 24] and Affidavits in Support [Docket Nos. 25-26]

*Status:*

This matter has been resolved, but the Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

7. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. St. Andrews United Methodist Church Foundation, Inc. d/b/a St. Andrews United Methodist Church - Adversary Proceeding Case No. 22-03025– Liquidating Trustee’s Motion for Summary Judgment and Opening Memorandum in Support Thereof [Docket No. 16] and Notice thereof [Docket No. 19]

*Related Documents:*

(a) Motion for Authority to File Documents Under Seal to the Motion for Summary Judgment [Docket No. 17]

(b) Notice of Motion to Seal [Docket No. 20]

(c) Amended Notice of Hearing on Motion for Summary Judgment [Docket No. 24]

*Response:*

(d) Defendant’s Response in Opposition to Motion for Summary Judgment [Docket No. 21] and Affidavits in Support [Docket Nos. 22-23]

*Status:*

This matter has been resolved, but the Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

8. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. National Humane Society - Adversary Proceeding Case No. 22-03083-KRH – Motion for Entry of Default and Default Judgment [Docket No. 5] and Notice Thereof [Docket No. 6]

*Related Documents:*

(a) Complaint [Docket No. 1]

(b) Certificate of Service [Docket No. 4]

*Response:*

None.

*Status:*

The Liquidating Trustee has resolved this matter and requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time to carry out the terms of the agreement.

9. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Floyd Calhoun Dent, III - Adversary Proceeding Case No. 22-03033– Motion for Summary Judgment and Memorandum in Support [Docket No. 9] and Notice thereof [Docket No. 10]

*Related Documents:*

(a) Motion for Authority to File Under Seal Exhibit G to the Motion for Summary Judgment [Docket No. 11]

(b) Notice of Motion to Seal [Docket No. 12]

(c) Reply Memorandum in Support of Motion for Summary Judgment filed by the Liquidating Trustee [Docket No. 15]

*Response:*

(a) Objection of Defendant Floyd Calhoun Dent, III to the Liquidating Trustee’s Motion for Summary Judgment [Docket No. 14]

*Status:*

The Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time).

#### **IV. GARNISHMENTS TO BE DISMISSED**

10. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Thomas H. Kanegae, M.D, A Medical Corporation, et al. - Adversary Proceeding Case No. 17-03338

10.1 Garnishment Summons re: Judgment against Thomas H. Kanegae, A Medical Corporation [Docket Item No. 16] (the “**Kanegae MD Garnishment**”)

*Related Documents:*

(a) Suggestion for Summons in Garnishment to U.S. Bank National Association [Docket No. 15]

(b) Order Granting Default Judgment [Docket No. 9]

(c) Writ of Execution [Docket No. 17]

(d) Certificate of Service [Docket No. 20]

*Response:*

To date, an Answer has not yet been received from U.S. Bank.

*Status:*

The Liquidating Trustee requests that this matter be dismissed as the Liquidating Trustee has received the final payment pursuant to the parties' settlement agreement.

10.2 Garnishment Summons re: Judgment against Thomas H. Kanegae [Docket Item No. 13] (the "**Kanegae Garnishment**")

*Related Documents:*

(a) Suggestion for Summons in Garnishment to U.S. Bank National Association [Docket No. 12]

(b) Order Granting Default Judgment [Docket No. 9]

(c) Writ of Execution [Docket No. 14]

(d) Certificate of Service [Docket No. 19]

*Response:*

U.S. Bank filed an Answer [Docket No. 25] stating no accounts found.

*Status:*

The Liquidating Trustee requests that this matter be dismissed as the Liquidating Trustee has received the final payment pursuant to the parties' settlement agreement.

## **V. ADJOURNED GARNISHMENTS**

11. Richard Arrowsmith as Liquidating Trustee of the HDL Liquidating Trust v. Uchenna Christopher Ogbuokiri - Adversary Proceeding Case No. 17-03762

11.1 Garnishment Summons re: Judgment against Uchenna Christopher Ogbuokiri [Docket Item No. 40] (the "**Ogbuokiri Garnishment**")

*Related Documents:*

(a) Suggestion for Summons in Garnishment to Together Credit Union [Docket No. 39]

(b) Order Granting Default Judgment [Docket No. 13]

(c) Writ of Execution [Docket No. 41]

(d) Certificate of Service [Docket No. 43]

*Response:*



To date, an Answer has not yet been received from Together Credit Union.

*Status:*

The Liquidating Trustee requests that this matter be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time) to allow time for the Bank to issue an Answer.

## **VI. ADJOURNED MATTERS IN LEAD CASE**

12. Tenth Omnibus Objection to Certain (A) 502(d), (B) No Liability Claims, and (C) Unsupported Claim [Docket No. 5097] (the “**Tenth Omnibus Objection**”)

*Related Documents:*

(a) Notice of Motion and Hearing [Docket No. 5098]

*Response Deadline:* April 27, 2021 at 4:00 p.m. (Prevailing Eastern Time).

*Status:*

The Tenth Omnibus Objection was granted in accordance with the Order Sustaining Tenth Omnibus Objection as to the No Liability Claims [Docket No. 5180]. An Order has been submitted to the Court on the Unsupported Claim [Docket No. 5197]. The Liquidating Trustee requests that the hearing as to the 502(d) Claims be adjourned to the Omnibus Hearing scheduled for April 25, 2024 at 11:00 a.m. (Prevailing Eastern Time).

*[Remainder of Page Left Intentionally Blank]*

Dated: March ~~22~~26, 2024

Respectfully submitted,

/s/ Brittany B. Falabella

Robert S. Westermann (VSB No. 43294)

Brittany B. Falabella (VSB No. 80131)

Kollin G. Bender (VSB No. 98912)

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*Counsel for Richard Arrowsmith,*

*Liquidating Trustee of the HDL Liquidating Trust*

**EXHIBIT A**

<b>Summary report:</b> <b>Litera Compare for Word 11.3.0.46 Document comparison done on</b> <b>3/26/2024 10:26:36 AM</b>	
<b>Style name:</b> HF Standard	
<b>Intelligent Table Comparison:</b> Active	
<b>Original filename:</b> Proposed Omnibus Agenda March 2024.pdf	
<b>Modified filename:</b> Amended Proposed Omnibus Agenda March 2024.pdf	
<b>Changes:</b>	
<u>Add</u>	11
<del>Delete</del>	4
<u>Move From</u>	1
<u>Move To</u>	1
<u>Table Insert</u>	0
<del>Table Delete</del>	0
<u>Table moves to</u>	0
<u>Table moves from</u>	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
<b>Total Changes:</b>	17